

WAGNER BLECHER LLP
123 Westridge Drive
Watsonville, CA 95076
(408) 377-0500

PATENT APPLICATION

ATTORNEY DOCKET NO. TRMB-1471

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Gregory PRICE et al.

Confirmation No.: 2547

Application No.: 10/735,576

Examiner: Dalena Tran

Filing Date: 12/12/2003

Group Art Unit: 3664

Title: INTEGRATED GUIDANCE SYSTEM

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 03/25/2009.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$540.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

1st Month
\$130

2nd Month
\$490

3rd Month
\$1110

4th Month
\$1730

The extension fee has already been filed in this application.

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge Dep. Acct. 50-4157 the sum of \$ 540 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-4157 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-4157 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents, Alexandria, VA 22313-1450

Date of Deposit:

OR

I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300 or via electronic transmission.

Date of facsimile/transmission: 05/26/2009

Typed Name: Brenda Dinapoli

Signature: Brenda Dinapoli

Respectfully submitted,
Gregory PRICE et al.

By /John P. Wagner, Jr./

John P. Wagner, Jr.

Attorney/Agent for Applicant(s)

Reg No. : 35,398

Date : 05/26/2009

Telephone : 408-377-0500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Price, et al. Patent Application
Application No.: 10/735,576 Group Art Unit: 3664
Filed: December 12, 2003 Examiner: Tran, Dalena
For: INTEGRATED GUIDANCE SYSTEM

APPEAL BRIEF

Table of Contents

	<u>Page</u>
Real Party in Interest	1
Related Appeals and Interferences	2
Status of Claims	3
Status of Amendments	4
Summary of Claimed Subject Matter	5
Grounds of Rejection to Be Reviewed on Appeal	11
Argument	12
Conclusion	20
Appendix - Clean Copy of Claims on Appeal	21
Appendix – Evidence Appendix	27
Appendix – Related Proceedings Appendix	28

I. Real Party in Interest

The assignee of the present application is Trimble Navigation Limited.

TRMB-1471
Serial No.: 10/735,576

Group Art Unit: 3664

II. Related Appeals and Interferences

There are no related appeals or interferences known to the Appellants.

III. Status of Claims

Claims 1-3, 5-7, 10-14, 16-19, 23-25, 28-30, and 32-35 are pending. Claims 4, 8, 9, 15, 20, 21, 22, 26, 27, and 31 have been previously cancelled. This Appeal involves Claims 1-3, 5-7, 10-14, 16-19, 23-25, 28-30, and 32-35.

IV. Status of Amendments

An amendment subsequent to the Final Action has been filed in order to correct an informality with a dependent claim (Claim 23) which improperly recited dependence to a cancelled Claim. The proposed amendment has not been entered as of the filing of this Appeal Brief. The Clean Copy of Claims on Appeal provided in Appendix VIII reflects the status of Claim 23 prior to amendment and does not correct the informality.

V. Summary of Claimed Subject Matter

Independent Claims 1, 12 and 25 of the present application pertain to embodiments associated with integrated guidance systems and a method for interacting with a guidance system.

As recited in Claim 1, “an integrated guidance system” is described. This embodiment is depicted in Figures 1B through 12B and described at least at page 8, line 6 - page 21, line 19 of the specification. “[A] position determination system adapted for determining a current position,” is shown in Figure 1B by position determining system (PDS) 10, and is described at least at page 8, line 21 - page 9, line 23 of the specification. “[A] differential global position determination system adapted for using a differential correction process to correct errors, wherein a differential correction may be stored in an electronic file and accessed later or said differential correction may be applied in real time,” is shown in Figure 1B by position correction system 70 which is described at least at page 10, line 1 - page 11, line 14 of the specification. “[A] lightbar device adapted for providing a visual representation of a deviation of said current position from a desired path to guide movement along said desired path,” is shown in Figures 1B, 2, 11A, 11B, and 11C by lightbar 20 and is described at least at page 11, line 16 - page 12, line 2; page 14, line 9 - page 16, line 12; and page 17, line 15 - page 18, line 23 of the specification. “[A] data input device for scrolling, selecting, and editing operations, including configuring said position determining system with a menu, and wherein said data input device comprises a first button, a second button, and a third button,” is shown in Figure 1B as data input device 40 and in Figures 2-9 and 12 as input buttons 41, 42, and 43, and is described at least at page 12, line 13 - page 14, line 7; page 14, lines 15-18; page 15, lines 7-8; and page 19, line 1 -

page 21, line 19. “[A] display device for displaying text, said menu and graphics, said text, said menu, and said graphics adapted to be viewable under various light conditions, wherein an operator is able to vary the contrast and brightness of said text, said menu, and said graphics by using buttons to interact with a user interface of said integrated guidance system, and wherein said first button, said second button, and said third button facilitate interacting with a plurality of available functions displayed on said display device,” a display device is shown at least in Figures 1B, 2 and 3 as display device 30; an exemplary screen 300 with text and graphics is displayed on display device 30 is shown in Figure 10. Display device 30 and variance of contrast and brightness is described at least at page 12, lines 4-11; page 14, lines 11-12; page 15, lines 7-8; and page 17, lines 1-13 of the specification. “[A] processor adapted for facilitating user interaction by integrating operation of said position determination system, said lightbar device, said data input device, and said display device,” is shown in Figure 1B as processor 25 and is described at least at page 13, line 9 - page 14, line 2 and page 17, lines 1-14 of the specification. “[A] housing enclosing said position determination system, said lightbar device, said data input device, said display device and said processor, wherein said housing has a first wing-shaped portion and a second wing-shaped portion configured to protect a cable connector extending from said housing, and wherein said first button, said second button, and said third button of said data input device are positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button,” is shown and described as housing 60 in Figures 2-9. Housing 60 including description of the first and second wing-shaped portions 110A and 110B and buttons 41, 42, and 43 is described at

least at page 14, lines 9-18; page 15, lines 6-12; page 15, lines 15-22; a large button (43) and two smaller buttons (41 and 42) are shown in Figures 4 and 12A and described at least at page 19, lines 1-10 of the specification.

As recited in Claim 12, “an integrated guidance system” is described. This embodiment is depicted in Figures 1B through 12B and described at least at page 8, line 6 - page 21, line 19 of the specification. “[A] position determination system adapted for determining a current position,” is shown in Figure 1B by position determining system (PDS) 10, and is described at least at page 8, line 21 - page 9, line 23 of the specification. “[A] differential global position determination system adapted for using a differential correction process to correct errors, wherein a differential correction may be stored in an electronic file and accessed later or said differential correction may be applied in real time,” is shown in Figure 1B by position correction system 70 which is described at least at page 10, line 1 - page 11, line 14 of the specification. “[A] lightbar device adapted for providing a visual representation of a deviation of said current position from a desired path to guide movement along said desired path,” is shown in Figures 1B, 2, 11A, 11B, and 11C by lightbar 20 and is described at least at page 11, line 16 - page 12, line 2; page 14, line 9 - page 16, line 12; and page 17, line 15 - page 18, line 23 of the specification. “[A] data input device for scrolling, selecting, and editing operations, including configuring said position determining system with a menu, and wherein said data input device comprises a first button, a second button, and a third button,” is shown in Figure 1B as data input device 40 and in Figures 2-9 and 12 as input buttons 41, 42, and 43, and is described at least at page 12, line 13 - page 14, line 7; page 14, lines 15-18; page 15, lines 7-8; and page 19, line 1 - page 21, line 19. “[A] display device for displaying text, said menu and graphics, said text,

said menu, and said graphics adapted to be viewable under various light conditions, wherein an operator is able to vary the contrast and brightness of said text, said menu, and said graphics by using buttons to interact with a user interface of said integrated guidance system, and wherein said first button, said second button, and said third button facilitate interacting with a plurality of available functions displayed on said display device,” a display device is shown at least in Figures 1B, 2 and 3 as display device 30; an exemplary screen 300 with text and graphics is displayed on display device 30 is shown in Figure 10. Display device 30 and variance of contrast and brightness is described at least at page 12, lines 4-11; page 14, lines 11-12; page 15, lines 7-8; and page 17, lines 1-13 of the specification. “[A] user interface system adapted for facilitating user interaction by integrating operation of said position determination system, said lightbar device, said data input device, and said display device,” is shown in Figure 1B as processor 25 and is described at least at page 13, line 9 - page 14, line 2 and page 17, lines 1-14 of the specification. “[A] housing enclosing said position determination system, said lightbar device, said data input device, said display device, and said user interface, wherein said housing has a first wing-shaped portion and a second wing-shaped portion configured to protect a cable connector extending from said housing, and wherein said first button, said second button, and said third button of said data input device are positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button,” is shown and described as housing 60 in Figures 2-9. Housing 60 including description of the first and second wing-shaped portions 110A and 110B and buttons 41, 42, and 43 is described at least at page 14, lines 9-18; page 15, lines 6-

12; page 15, lines 15-22; a large button (43) and two smaller buttons (41 and 42) are shown in Figures 4 and 12A and described at least at page 19, lines 1-10 of the specification.

As recited in Claim 25, “a method of interacting with a guidance system” is described. This embodiment is depicted in Figure 10 and in flowchart 800 of Figure 12B and is described at least at page 17, lines 1-13 and page 19, line 12 - page 21, line 11 of the specification. “[D]isplaying on a display device of said guidance system a plurality of available functions a menu-driven manner that is user friendly,” is shown at least by screens 1 to n (810-840 of flowchart 800) and described at least at page 21, lines 4-10. “[W]herein said display device is adapted for displaying text and graphics,” (Figure 10 shows text and graphics); “including configuring said guidance system with said menu, said text, said menu, and said graphics adapted to be viewable under various light conditions” (page 17, lines 9-13 of the specification describe viewability of the displayed information); “wherein an operator is able to vary the contrast and brightness of said text, said menu, and said graphics by using buttons to interact with a user interface of said guidance system” (variance of contrast and brightness is described at page 17, lines 11-13). “[P]roviding said guidance system a data input device adapted for accessing and interacting with any one of said available functions with a minimum number of inputs and with minimum use of said inputs, wherein said data input device enables scrolling, selecting, and editing operations, said data input device comprising a first button, a second button, and a third button that facilitate interacting with a plurality of available functions displayed on said display device” (user input 40 and buttons 41, 42, and 43 shown in Figure 1B, Figures 3, 4, 8, and 12A); and wherein said display device, said guidance system, and said data input device are integrated in a housing, wherein said housing has a first wing-shaped portion and a second wing-shaped portion configured to protect a cable connector extending from said housing, said

first button, said second button, and said third button of said data input device are positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button" (is shown and described as housing 60 in Figures 2-9; housing 60 including description of the first and second wing-shaped portions 110A and 110B and buttons 41, 42, and 43 is described at least at page 14, lines 9-18; page 15, lines 6-12; page 15, lines 15-22; a large button (43) and two smaller buttons (41 and 42) are shown in Figures 4 and 12A and described at least at page 19, lines 1-10 of the specification).

VI. Grounds of Rejection to Be Reviewed on Appeal

1. Whether Claims 1-3, 5-7, 10-14, 16-19, and 23-24 are rendered unpatentable under 35 U.S.C. §103(a) by U.S. Patent No. 5,717,593 to Gvili (hereinafter “Gvili”), in view of U.S. Patent No. 6,104,979 to Fowler, et al. (hereinafter “Fowler”), in view of U.S. Patent No. 6,539,303 to McClure, et al. (hereinafter “McClure”), in view of U.S. Patent No. 6,711,475 to Murphy (hereinafter “Murphy”), and further in view of U.S. Patent No. 6,762,741 to Weindorf.
2. Whether Claims 25 and 35 are rendered unpatentable under 35 U.S.C. §103(a) by Fowler, in view of McClure, in further view of Murphy, and in further view of Weindorf.
3. Whether Claims 28-30 and 32-34 are rendered unpatentable under 35 U.S.C. §103(a) by Fowler, in view of McClure, in further view of Murphy, in further view of Weindorf, and in further view of Gvili.

VII. Argument

1. Whether Claims 1-3, 5-7, 10-14, 16-19, and 23-24 are rendered unpatentable under 35 U.S.C. §103(a) by Gvili, in view of Fowler, in view of McClure, in view of Murphy, and further in view of Weindorf.

Attention is directed to Claim 1 (Claim 12 includes similar features) which recites in part:

An integrated guidance system comprising... a housing enclosing said position determination system, said lightbar device, said data input device, said display device and said processor, wherein said housing has a first wing-shaped portion and a second wing-shaped portion configured to protect a cable connector extending from said housing, and wherein said first button, said second button, and said third button of said data input device are positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button.

(Emphasis added.)

The Office Action mailed February 2, 2009 (hereinafter, "Office Action") states:

... Gvili does not explicitly disclose data input device comprises a first, second, and third button. ...Fowler et al. disclose data input device comprises a first, second, and third button, wherein first, second, and third buttons facilitate interacting with a plurality of available functions displayed on display device (see at least column 3, lines 40-60; and column 5, lines 8-10). In addition, McClure et al. discloses first button, second button, and third button of data input device are positioned on a top surface of housing for convenient access by an operator of integrated guidance system, and wherein first button is larger than second button and third button to reduce the need for visual assistance by operator to distinguish first button, second button, and third button ... Also, Murphy discloses data input device comprises a first, second and third button, wherein first, second, and third buttons facilitate interacting with a plurality of available functions displayed on display device (see at least column 7, line 60). Also Weindorf discloses the user interface is one or

more knobs or push buttons and positions in different place (see column 6, lines 8-18). Therefore, it would have been obvious to one of ordinary skill in the art that, the data input devices included plurality of buttons, and depend on design choice, the data input device can positioned in the top surface of housing... It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Gvili by combining data input device comprises a first, second, and third button for selecting different available option in the display device; the data input device can positioned in the top surface of housing, and different size of buttons provides the vehicle driver with a view of the instrument panel, and the interface is conveniently within the driver's vision during glance at the instrument panel.

(Instant Office Action, page 6, last paragraph - page 7)

Appellants respectfully agree with the instant Office Action in that, "Gvili does not disclose data input device comprises a first, second, and third button." However, Appellants respectfully submit that Fowler does not include a first, second, and third button positioned on a top surface of a housing for convenient access wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button. Indeed, it appears that any buttons shown by Fowler appear to be of identical size (see e.g., Figure 4 of Fowler). At best these identically sized buttons would appear to teach away from buttons being "positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button" as recited in Claim 1.

Although Fowler discusses depressible buttons in col. 3, lines 40-60, Appellants submit that Fowler remains silent as to distinguishing input buttons by size and location,

thereby reducing the need for visual assistance by an operator. Thus, nothing in Fowler suggests including a first button that is larger than a second and third button to reduce the need for visual assistance by said operator to distinguish the first, second, and third button. For example, Appellants understand Fowler to disclose an integrated swath guidance system in which “[t]he entire apparatus is compact and mountable within the operative view of the user as he operates the equipment to be guided, thereby reducing hazard and navigational error” (Fowler, Abstract). Furthermore, Appellants understand Fowler to provide “the user a way to control the display and select system options without taking his eyes off his task” (Fowler, column 1, lines 53-55) in the following manner:

A separate external control interface 35 can be connected to provide access to the user in situations where he can not move his hands to control interface 30. In an alternative embodiment, processor 10 and display device 20 could be integrated into one unit, and an external remotely located control interface 35 would be provided.

(Fowler, column 2, lines 52-54.)

Fowler also states, “[t]he invention solves the problems of unwanted navigational deviations and unsafe conditions created by conventional display methods that require the operator to look away from his task to view the display of system information or to input control commands.” Appellants respectfully assert that Fowler’s system enabling input control commands is distinctly different from Appellants’ Claim 1. Appellants respectfully assert that nothing in Fowler discloses buttons of different sizes and at a specific location for the purpose of reducing the need for visual assistance by the operator. Furthermore, Appellants respectfully assert that nothing in Fowler suggests such a location and sizing differential to reduce the need for visual assistance by the operator.

Furthermore, Appellants respectfully submit that nothing in Gvili, McClure, Murphy, and Weindorf suggests the modification of Fowler to arrive at a first, second, and third button positioned on a top surface of a housing for convenient access as well as a first button that is larger than a second and third button to reduce the need for visual assistance by said operator to distinguish the first, second, and third button.

With respect to McClure, per Appellants understanding, all of McClure's buttons appear to be positioned on the front of a display rather than "positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system" as recited in Claim 1. At best this would appear to teach away from buttons being "... positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system." as recited in Claim 1.

With respect to Murphy, Appellants submit that no buttons are taught or suggested. Although the instant Office Action refers to col. 7, lines 55-64, Appellants understand this cited portion to disclose the use of buttons that are represented in a display window, not buttons positioned on a top surface of a housing. Thus Murphy's teachings are very different from Appellants Claimed invention and do not cure the deficiencies of Gvili, Fowler, and McClure. At best these displayed buttons would appear to teach away from buttons being "... positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system," as recited in Claim 1.

Finally, with respect to Weindorf, Appellants do not understand Weindorf to teach or suggest,

wherein said first button, said second button, and said third button of said data input device are positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button,

as is recited in Claim 1 and similarly in Claim 12. At best, Weindorf generically indicates in col. 6, lines 18 that, "... the user interface is one or more knobs or push buttons, a touch screen, a voice activated system, or other means of user selections....user interface 112 may be located elsewhere, may be incorporated with another controller or user interface, and may be included in a remote control device. This teaching is very unspecific and, as such, Appellants submit that it would not provide motivation to one of skill in the art to modify Gvili, to arrive at Appellants claimed invention, even when viewed in conjunction with one or more of Fowler, McClure, and/or Murphy.

Therefore, Appellants respectfully disagree that one of ordinary skill in the art would have motivation to modify the teachings of Gvili by combining the teachings of Fowler, McClure, Murphy, and/or Weindorf. This is especially so as the teachings of Fowler, and McClure, and Murphy appear to teach away from one another and from various aspects of Appellants invention as recited in the embodiments of Claims 1 and 12.

Appellants note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious

to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)). Per Appellants understanding, the instant Office Action fails to explain why Appellants' Claims 1 and 12 would have been obvious in spite of the above identified differences between Appellants' claimed inventions and Gvili, in view Fowler, in view of McClure, in view of Murphy, and further in view of Weindorf.

Therefore, Appellants respectfully submit that Claim 1 is patentable over Gvili, in view of Fowler, in further view of McClure, in further view of Murphy, and in further view of Weindorf and is in condition for allowance. Furthermore, for the reasons discussed herein regarding Claim 1, Appellants respectfully submit that Claim 12 is also patentable and in condition for allowance. Moreover, Appellants respectfully submit that Claims 2, 3, 5-7, 10, and 11 depending on Claim 1, and Claims 13, 14, 16-19, 23, and 24 depending on Claim 12 are patentable as being dependent upon allowable base Claims.

2. Whether Claims 25 and 35 are rendered unpatentable under 35 U.S.C. §103(a) by Fowler, in view of McClure, in further view of Murphy, and in further view of Weindorf.

Appellants respectfully direct attention to Claim 25 which recites:

A method of interacting with a guidance system, said method comprising:

displaying on a display device of said guidance system a plurality of available functions in a menu-driven manner that is user friendly, wherein said display device is adapted for displaying text and graphics, including configuring said guidance system with said menu, said text, said menu, and said graphics adapted to be viewable under various light conditions, wherein an operator is able to vary the contrast and brightness of said text, said menu, and

said graphics by using buttons to interact with a user interface of said guidance system; and

providing said guidance system a data input device adapted for accessing and interacting with any one of said available functions with a minimum number of inputs and with minimum use of said inputs, wherein said data input device enables scrolling, selecting, and editing operations, said data input device comprising a first button, a second button, and a third button that facilitate interacting with a plurality of available functions displayed on said display device, and wherein said display device, said guidance system, and said data input device are integrated in a housing, wherein said housing has a first wing-shaped portion and a second wing-shaped portion configured to protect a cable connector extending from said housing, said first button, said second button, and said third button of said data input device are positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button.

(Emphasis added.)

As described above with respect to Claim 1 (which includes a similar feature as emphasized above in Claim 25), Appellants respectfully disagree that one of ordinary skill in the art would have motivation to modify the teachings of Fowler by combining the teachings of McClure, Murphy, and/or Weindorf to arrive at the embodiment recited in Claim 25. This is especially so as the teachings of Fowler, and McClure, and Murphy appear to teach away from one another and from various aspects of Appellants invention as recited in the embodiments of Claims 25 and as the teachings of Weindorf with respect to buttons are vague and generic in nature.

Appellants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why

the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141(III)). Per Appellants understanding, the instant Office Action fails to explain why Appellants' Claim 25 would have been obvious in spite of the above identified differences between Appellants' claimed embodiment and Fowler, in view of McClure, in view of Murphy, and further in view of Weindorf.

Therefore, Appellants respectfully submit that Claim 25 is patentable over Fowler, in view of McClure, in further view of Murphy, and in further view of Weindorf and is in condition for allowance. Furthermore, Appellants respectfully submit that Claim 35, which depends from Claim 25, is patentable as being dependent upon allowable base Claim.

3. Whether Claims 28-30 and 32-34 are rendered unpatentable under 35 U.S.C. §103(a) by Fowler, in view of McClure, in further view of Murphy, in further view of Weindorf, and in further view of Gvili.

Appellants respectfully submit for the reasons stated above herein that Claim 25 is allowable. Appellants submit that the inclusion of Gvili (as discussed above with respect to Claim 1) does nothing to cure the above noted deficiencies of Fowler, in view of McClure, in further view of Murphy, in further view of Weindorf with respect to the embodiment of Claim 25. As such, Appellants respectfully submit that Claims 28-30 and 32-34, which depend from Claim 25, are allowable as being dependant upon an allowable base Claim.

Conclusion

The Appellants believe that pending 1-3, 5-7, 10-14, 16-19, 23-25, 28-30, and 32-35 are patentable over the cited art. Appellants respectfully request that the Board reverse the rejection of 1-3, 5-7, 10-14, 16-19, 23-25, 28-30, and 32-35.

The Appellants wish to encourage the Examiner or a member of the Board of Patent Appeals to telephone the Appellants' undersigned representative if it is felt that a telephone conference could expedite prosecution.

Respectfully submitted,
WAGNER BLECHER LLP

Dated: May 26, 2009

/John P. Wagner, Jr./

John P. Wagner, Jr.
Registration No.: 35,398

WAGNER BLECHER LLP
Westridge Business Park
123 Westridge Drive
Watsonville, CA 95076

Phone: (408) 377-0500

VIII. Appendix - Clean Copy of Claims on Appeal

1. An integrated guidance system comprising:
 - a position determination system adapted for determining a current position;
 - a differential global position determination system adapted for using a differential correction process to correct errors, wherein a differential correction may be stored in an electronic file and accessed later or said differential correction may be applied in real time;
 - a lightbar device adapted for providing a visual representation of a deviation of said current position from a desired path to guide movement along said desired path;
 - a data input device for scrolling, selecting, and editing operations, including configuring said position determining system with a menu, and wherein said data input device comprises a first button, a second button, and a third button;
 - a display device for displaying text, said menu and graphics, said text, said menu, and said graphics adapted to be viewable under various light conditions, wherein an operator is able to vary the contrast and brightness of said text, said menu, and said graphics by using buttons to interact with a user interface of said integrated guidance system, and wherein said first button, said second button, and said third button facilitate interacting with a plurality of available functions displayed on said display device;
 - a processor adapted for facilitating user interaction by integrating operation of said position determination system, said lightbar device, said data input device, and said display device; and
 - a housing enclosing said position determination system, said lightbar device, said data input device, said display device and said processor, wherein said housing has a first wing-shaped portion and a second wing-shaped portion configured to protect a cable connector extending from said housing, and wherein said first button, said second button, and said third button of said data input device are positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button.

2. The integrated guidance system as recited in Claim 1 wherein said position determination system comprises:
 - a Global Positioning System (GPS) antenna; and
 - a GPS receiver.
3. The integrated guidance system as recited in Claim 2 wherein said GPS antenna is positioned externally and separately relative to said GPS receiver.
5. The integrated guidance system as recited in Claim 1 wherein said lightbar device comprises a plurality of lights that are adapted to emit a light pattern that indicates said deviation.
6. The integrated guidance system as recited in Claim 5 wherein said plurality of lights are spaced apart and are aligned in a row, and wherein said light pattern if formed selectively illuminating particular ones of said plurality of lights.
7. The integrated guidance system as recited in Claim 5 wherein said plurality of lights comprises a plurality of light emitting diodes (LEDs).
10. The integrated guidance system as recited in Claim 1 wherein said display device displays said available functions in a menu-driven manner that is user friendly.
11. The integrated guidance system as recited in Claim 1 wherein said display device comprises a liquid crystal display (LCD).
12. An integrated guidance system comprising:
 - a position determination system adapted for determining a current position;
 - a differential global position determination system adapted for using a differential correction process to correct errors, wherein a differential correction may be stored in an electronic file and accessed later or said differential correction may be applied in real time;
 - a lightbar device adapted for providing a visual representation of a deviation of said current position from a desired path to guide movement along said desired path;

a data input device for scrolling, selecting, and editing operations, including configuring said position determining system with a menu, and wherein said data input device comprises a first button, a second button, and a third button;

a display device for displaying text, said menu and graphics, said text, said menu, and said graphics adapted to be viewable under various light conditions, wherein an operator is able to vary the contrast and brightness of said text, said menu, and said graphics by using buttons to interact with a user interface of said integrated guidance system, and wherein said first button, said second button, and said third button facilitate interacting with a plurality of available functions displayed on said display device;

a user interface system adapted for facilitating user interaction by integrating operation of said position determination system, said lightbar device, said data input device, and said display device; and

a housing enclosing said position determination system, said lightbar device, said data input device, said display device, and said user interface, wherein said housing has a first wing-shaped portion and a second wing-shaped portion configured to protect a cable connector extending from said housing, and wherein said first button, said second button, and said third button of said data input device are positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button.

13. The integrated guidance system as recited in Claim 12 wherein said position determination system comprises:

a Global Positioning System (GPS) antenna; and
a GPS receiver.

14. The integrated guidance system as recited in Claim 13 wherein said GPS antenna is positioned externally and separately relative to said GPS receiver.

16. The integrated guidance system as recited in Claim 12 wherein said lightbar device comprises a plurality of lights that are adapted to emit a light pattern that indicates said deviation.
17. The integrated guidance system as recited in Claim 16 wherein said plurality of lights are spaced apart and are aligned in a row, and wherein said light pattern is formed by selectively illuminating particular ones of said plurality of lights.
18. The integrated guidance system as recited in Claim 16 wherein said plurality of lights comprises a plurality of light emitting diodes (LEDs).
19. The integrated guidance system as recited in Claim 12 wherein said user interface system comprises:
 - a processor; and
 - processor-executable instructions for implementing a user interface.
23. The integrated guidance system as recited in Claim 21 wherein said user interface system displays on said display device said available functions in a menu-driven manner that is user friendly.
24. The integrated guidance system as recited in Claim 12 wherein said display device comprises a liquid crystal display (LCD).
25. A method of interacting with a guidance system, said method comprising:
 - displaying on a display device of said guidance system a plurality of available functions in a menu-driven manner that is user friendly, wherein said display device is adapted for displaying text and graphics, including configuring said guidance system with said menu, said text, said menu, and said graphics adapted to be viewable under various light conditions, wherein an operator is able to vary the contrast and brightness of said text, said menu, and said graphics by using buttons to interact with a user interface of said guidance system; and

providing said guidance system a data input device adapted for accessing and interacting with any one of said available functions with a minimum number of inputs and with minimum use of said inputs, wherein said data input device enables scrolling, selecting, and editing operations, said data input device comprising a first button, a second button, and a third button that facilitate interacting with a plurality of available functions displayed on said display device, and wherein said display device, said guidance system, and said data input device are integrated in a housing, wherein said housing has a first wing-shaped portion and a second wing-shaped portion configured to protect a cable connector extending from said housing, said first button, said second button, and said third button of said data input device are positioned on a top surface of said housing for convenient access by an operator of said integrated guidance system, and wherein said first button is larger than said second button and said third button to reduce the need for visual assistance by said operator to distinguish said first button, said second button, and said third button.

28. The method as recited in Claim 25 wherein said guidance system further comprises:
 - a position determination system adapted for determining a current position; and
 - a lightbar device adapted for providing a visual representation of a deviation of said current position from a desired path to guide movement along said desired path.
29. The method as recited in Claim 28 wherein said position determination system comprises:
 - a Global Positioning System (GPS) antenna; and
 - a GPS receiver.
30. The method as recited in Claim 29 wherein said GPS antenna is positioned externally and separately relative to said GPS receiver.
32. The method as recited in Claim 28 wherein said lightbar device comprises a plurality of lights that are adapted to emit a light pattern that indicates said deviation.

33. The method as recited in Claim 32 wherein said plurality of lights are spaced apart and are aligned in a row, and wherein said light pattern is formed by selectively illuminating particular ones of said plurality of lights.

34. The method as recited in Claim 32 wherein said plurality of lights comprises a plurality of light emitting diodes (LEDs).

35. The method as recited in Claim 25 wherein said display device comprises a liquid crystal display (LCD).

IX. Evidence Appendix

No evidence is herein appended.

TRMB-1471
Serial No.: 10/735,576

Group Art Unit: 3664

X. Related Proceedings Appendix

No related proceedings.